

REMARKS

In the Examiner's Action dated January 16, 2004, the Examiner has rejected claims 1, 3, 7 and 9 under 35 U.S.C. § 102 (a) being anticipated by *Brody et al.*, U.S. Patent No. 6,278,697. That rejection is respectfully traversed.

Applicant first notes that *Brody et al.* issued on August 21, 2001 and that the present application was filed on November 9, 1999. Consequently, Applicant urges that *Brody et al.* is inappropriate as a reference under 35 U.S.C. § 102 (a) and would more properly be implied under 35 U.S.C. § 102 (e). Applicant also notes that the present application, having been filed prior to November 29, 1999, is not eligible under the provisions of 35 U.S.C. § 103 (c); however, any continuation application filed on the present application would be so eligible.

Applicant first notes that *Brody et al.* describes a method and apparatus for processing multi-protocol communications in which the identity of each communication device involved in a particular communication is identified and any conversion required of a particular communication is accomplished by first converting an incoming message having a first communication protocol format into a generic communication protocol format and thereafter converting that message from the generic communication protocol format into a message having a second communication protocol format which is appropriate for receipt by the second communication device. (See *Brody et al.*, the Abstract).

Further, the claims of the present application, for which claim 1 is selected as an exemplar, expressly recite that wireless and wireline functions are linked to and from the communication network via an asynchronous transfer mode infrastructure "utilizing a network access function within a network edge switch..." and that thereafter, the target recipients for each wireless or wireline data received in a first communication protocol are determined and converted "within said network access function"... "to a second communication protocol appropriate for said target recipient." Consequently, the claims of the present application are therefore clearly and expressly directed to a technique whereby a network access function within a network edge switch is utilized to determine the recipient for a particular communication and convert that communication into an appropriate format for the recipient within the "network access function" at said "network edge switch" permitting all data communication within the system utilizing the method of the present invention to occur in an asynchronous transfer mode

format, greatly simplifying the method of the present invention from that of *Brody et al.* wherein a generic communication protocol must be created and utilized for transfer of communications between two devices having diverse communication protocols. Consequently, Applicant urges that claim 1, 3, 7 and 9 cannot be said to be anticipated, shown or suggested by *Brody et al.* and the Examiner's rejection of these claims under 35 U.S.C. § 102 (a) should therefore be withdrawn.

The Examiner has also rejected claims 5, 6, 11 and 12 under 35 U.S.C. § 103 (a) is being unpatentable by *Brody et al.* in view of *Miska et al.*, U.S. Patent No. 5,764,644. That rejection is also respectfully traversed.

As described in Applicant's previous response, *Miska et al.*, at column 2, lines 37 et seq. merely describes a system wherein signal quality is improved by "reducing the number of times that a wireless-to-wireless transmission of communication signal is encoded to its native rate." Thus, *Miska et al.* merely teach that data intended from one mobile device to another mobile device is transmitted at the native rate without data rate modification in order to increase the quality of the transmitted signal. Those signals intended for receipt by non-wireless phones within *Miska et al.* are recoded to a higher data rate common for transmission to such phones. However, *Miska et al.* clearly teaches that the switch devices, located above the periphery of the ATM backbone network, are incapable of receiving both wireless and wireline data as expressly set forth within the claims of the present application and consequently, Applicant urges that *Miska, et al.* cannot be properly combined with *Brody et al.* as *Miska et al.* teaches that these network switch devices are incapable of receiving both wireless and wireline data and *Brody et al.* teaches receipt of such signals. Consequently, Applicant urges for these reasons and the reasons set forth above with respect to the rejection of claims 1, 3, 7 and 9 that these combinations of references fails to show or suggest the invention set forth within the present application and withdrawal of this rejection is also respectfully requested.

And finally, the Examiner has rejected claims 13, 15, 17 and 18 under 35 U.S.C. § 103 (a) as being unpatentable over *Brody et al.* That rejection is respectfully traversed.

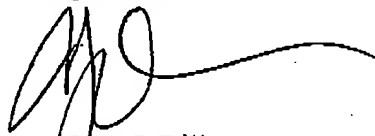
Claims 13, 15, 17 and 18 merely set forth the invention described in the method and system claims with the present application in a program of instructions wherein, as described above, both wireless and wireline data are converted within a "network access function" within a

"network edge switch" and wherein communication destined for a recipient utilizing a particular protocol is converted within that "network access function" to the appropriate protocol for that recipient. As noted above, *Brody et al.* fails to show or suggest in any way the conversion within a "network access function" within a "network edge switch" of communication into a protocol suitable for a recipient but merely teaches the utilization of a generic protocol and the conversion of that generic protocol to an appropriate protocol for the recipient at the recipient location. Consequently, Applicant urges that the Examiner's rejection to claims 13, 15, 17 and 18 under 35 U.S.C. § 103 (a) as being unpatentable over *Brody et al.* is not well founded and urges its withdrawal.

For the reasons set forth herein, Applicant respectfully urges that claims 1, 3, 5-7, 9, 11-13, 15, 17 and 18 define patentable subject matter over these cited prior art and withdrawal of all rejection and passage of this application to issue is therefore respectfully requested.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested.

Respectfully submitted,



Andrew J. Dillon
Reg. No. 29,634
DILLON & YUDELL LLP
P.O. Box 201720
Austin, Texas 78720-1720
(512) 343-6116
ATTORNEY FOR APPLICANTS